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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,712	06/25/2001	Glenn R. Engel	10003416-1	1807

7590 01/24/2006

AGILENT TECHNOLOGIES, INC.  
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Intellectual Property Administration  
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EXAMINER

PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2181

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/891,712

Applicant(s)

ENGEL ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21-27 and 29-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Mendez et al. U.S. Pat. App. Pub. No.: US 2004/0139178 A1 (hereinafter referred to as “Mendez”).

3. **Referring to claims 21, 29, Mendez** teaches a system for configuring a network device coupled to a local network [see figure 10], comprising: configuration server coupled to a network, the configuration server coupled to a network [see paragraph 0041], the configuration server generating a web page that enables access to a configuration applet [see paragraph 0050]; node coupled to the network and the local network [see paragraphs 0050, 0072-0075], the node including a web browser that enables a user to load the configuration applet from the configuration server onto the node via the network by accessing the web page such that the configuration applet when executing on the node searches the local network for the network device [see paragraphs 0050, 0072-0075.]

4. **Referring to claims 22, 30, Mendez** teaches wherein the configuration server generates a set of configuration web pages that enable the user to obtain a set of network configuration parameters for the network device via the web browser [see paragraphs 0050, 0072-0075.]

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5. **Referring to claims 23, 31, Mendez** teaches wherein the configuration web pages enable the user to enter a set of addresses on the local network for the network configuration parameters [see paragraphs 0058-0059.]
6. **Referring to claims 24, 32, Mendez** teaches wherein the configuration web pages include a web page that enables the user to enter an address for the network device [see paragraphs 0058-0059.]
7. **Referring to claims 25, 33, Mendez** teaches wherein the configuration web pages include a web page that enables the user to enter an address for a proxy server on the local network [see paragraphs 0078-0079.]
8. **Referring to claims 26, 34, Mendez** teaches wherein the configuration web pages include a web page that enables the user to enter an address for the configuration server [see paragraphs 0050, 0072-0076, URL to call the global server.]
9. **Referring to claims 27, 35, Mendez** teaches wherein the configuration applet executing on the node transfers the network configuration parameters to the network device via the local network [see paragraphs 0050, 0072-0076, LAN.]

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 28 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez et al. U.S. Pat. App. Pub. No.: US 2004/0139178 A1 (hereinafter referred to as "*Mendez*") as applied to claims 21 and 29 above, and further in view of Wendt et al. U.S. Patent Number: 6,067,558 (hereinafter referred to as "*Wendt*").

12. **Referring to claims 28, 36,** *Mendez* teaches a system for configuring a network device coupled to a local network [see figure 10.] *Mendez* does not set forth the limitation of wherein the configuration applet searches the local network for the network device by transferring a multi-cast query message via the local network and detecting responses, *Wendt* however teaches this limitation [see column, lines] in order to discover elements on a network.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Mendez* to be able to use multicast query messages because it allows a single device and multiple members of a device group to communicate efficiently. It is for this reason that one of ordinary skill in the art would have been motivated to use multi-cast query message to search for devices on a local network because it allows a single device and multiple members of a device group to communicate efficiently.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 21-36 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272 4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP  
01/04/2005

*Mano Padmanabhan*  
1/19/06

**MANO PADMANABHAN**  
**SUPERVISORY PATENT EXAMINER**